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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/181,568	10/29/1998	STEVEN B KAUFMAN	KAUFMAN13	1057

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FARKAS & MANELLI
7TH FLOOR
2000 M STREET N W
WASHINGTON, DC 200363307

EXAMINER

GAUTHIER, GERALD

ART UNIT

PAPER NUMBER

2645

DATE MAILED: 05/23/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/181,568

Applicant(s)

KAUFMAN, STEVEN B

Examiner

Gerald Gauthier

Art Unit

2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 and 19-31 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 19-31 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. **Claims 1, 3, 5-9, 19, 20 and 22-30** are rejected under 35 U.S.C. 102(e) as being anticipated by Kamel et al. (US 5,937,037).

Regarding **claim 1**, Kamel discloses a server adapted to provide broadcast information relevant to a locality to a plurality of localities, said server comprising:

a processor (column 5, lines 43-53) [The processor associates the message bank to the costumer matching parameters];

a call related information (ANI, column 9, lines 11-16) /broadcast information stream relevant to a locality lookup table accessible by said processor and associating call related information entries with respective broadcast information streams relevant to a locality (column 5, line 54 to column 6, line 25) [The ANI list is the lookup table. The geographic queues are identified by the queue identification numbers keyed by the ANI]; and

a plurality of stored broadcast information streams relevant to a locality (column 5, lines 27-42) [The message bank contains promotional messages to be delivered to calling party];

wherein said processor is adapted to identify a specific one of said plurality of stored broadcast information streams relevant to a locality for downloading a real-time audible representation of said one of said plurality of stored broadcast information streams relevant to a locality to a caller based on call related information received with respect to an incoming call (column 6, line 41 to column 7, line 20 and column 11, lines 32-36) [The call processor retrieve the messages from the message bank and play them to the caller].

Regarding **claim 3**, Kamel discloses a server adapted to provide broadcast information relevant to a locality to a plurality of localities, further comprising:

a telephone line interface in communication with said processor (column 9, lines 17-21).

Regarding **claim 5**, Kamel discloses a server adapted to provide broadcast information to a plurality of localities, further comprising:

an audio player adapted to play said specific one of said plurality of stored broadcast information streams relevant to a locality through said telephone line interface (column 11, lines 32-36).

Regarding **claim 6**, Kamel discloses a server adapted to provide broadcast information relevant to a locality to a plurality of localities, wherein:

said call related information is at least a portion of a telephone number (column 9, lines 11-16).

Regarding **claim 7**, Kamel discloses a server adapted to provide broadcast information relevant to a locality to a plurality of localities, wherein:

said portion of said telephone number includes an area code ((column 9, lines 11-16).

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Regarding **claim 8**, Kamel discloses a server adapted to provide broadcast information relevant to a locality to a plurality of localities, wherein:

said portion of said telephone number includes an exchange number (column 9, lines 11-16).

Regarding **claim 9**, Kamel discloses a server adapted to provide broadcast information relevant to a locality to a plurality of localities, wherein:

said portion of said telephone number includes an area code and an exchange number (column 9, lines 11-16).

Regarding **claim 19**, Kamel discloses a method of selecting a broadcast information stream relevant to a locality, comprising:

receiving call related information (ANI) relating to a calling party (column 9, lines 11-16) [The ANI's are receive from the originating telephone or station number];

determining a desired one of a plurality of broadcast information streams relevant to a locality for downloading to said calling party based on said call related information (column 5, line 54 to column 6, line 25) [The geographic queues are identified by the queue identification numbers keyed by the ANI of the individual end-user who placed the call]; and

downloading a real-time audible representation of said desired one of said plurality of broadcast information streams relevant to a locality to said calling party based on said call related information (column 6, line 41 to column 7, line 20 and column 11, lines 32-36) [The call processor retrieve the messages from the message bank and play them to the caller].

Regarding **claim 20**, Kamel discloses a method of selecting a broadcast information stream relevant to a locality, wherein:

said steps of receiving, determining, and downloading are performed without intervention by a user (column 6, line 41 to column 7, line 20).

Regarding **claim 22**, Kamel discloses a method of selecting a broadcast information stream relevant to a locality, wherein:

said call related information includes an area code (column 9, lines 11-16).

Regarding **claim 23**, Kamel discloses a method of selecting a broadcast information stream relevant to a locality, wherein:

said call related information includes an exchange number (column 9, lines 11-16).

Regarding **claim 24**, Kamel discloses a method of selecting a broadcast information stream relevant to a locality, wherein:

said call related information is Caller ID information (column 9, lines 11-16).

Regarding **claim 25**, Kamel discloses a method of selecting a broadcast information stream relevant to a locality, wherein:

said call related information includes an area code and an exchange number (column 9, lines 11-16).

Regarding **claim 26**, Kamel discloses a method of selecting a broadcast information stream relevant to a locality, wherein:

said step of determining is performed using a look up table (column 17, lines 52-56).

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Regarding **claim 27**, Kamel discloses a method of selecting a broadcast information stream relevant to a locality, wherein said downloading comprises:

audibly playing said desired one of said plurality of broadcast information streams relevant to a locality (column 11, lines 32-36).

Regarding **claim 28**, Kamel discloses a method of selecting a broadcast information stream relevant to a locality, wherein said downloading comprises:

digitally transmitting over a telephone line said desired one of said plurality of broadcast information streams relevant to a locality (column 4, lines 23-27).

Regarding **claim 29**, Kamel discloses a method of selecting a broadcast information stream relevant to a locality, further comprising:

storing said downloaded desired one of said plurality of broadcast information streams relevant to a locality in a voice messaging system associated with said calling party (column 4, lines 50-55).

Regarding **claim 30**, Kamel discloses an apparatus for selecting a broadcast information stream relevant to a locality, comprising:

means for receiving call related information (ANI) relating to a calling party (column 9, lines 11-16) [The ANI's are receive from the originating telephone or station number];

a means for determining a desired one of a plurality of broadcast information streams relevant to a locality for downloading to said calling party based on said call related information (column 5, line 54 to column 6, line 25) [The geographic queues are identified by the queue identification numbers keyed by the ANI of the individual end-user who placed the call]; and

means for downloading a real-time audible representation of said desired one of said plurality of broadcast information streams relevant to a locality to said calling party based on said call related information (column 6, line 41 to column 7, line 20 and column 11, lines 32-36) [The call processor retrieve the messages from the message bank and play them to the caller].

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 2, 4, 21 and 31** are rejected under 35 U.S.C. 103(a) as being unpatentable over Kamel in view of Kennedy, III et al. (US 6,301,480).

Regarding **claim 2**, Kamel and Kennedy as applied to **claim 1** above differ from **claim 2** in that it fails to disclose information relevant to a locality is weather forecast.

However, Kennedy teaches a server adapted to provide broadcast information relevant to a locality to a plurality of localities, wherein:

said broadcast information relevant to a locality is weather forecast information (column 4, lines 37-40).

Regarding **claim 4**, Kamel and Kennedy as applied to **claim 1** above differ from **claim 4** in that it fails to disclose a modem in communication with said processor.

However, Kennedy discloses a server adapted to provide broadcast information relevant to a locality to a plurality of localities according, further comprising:
a modem in communication with said processor (column 3, lines 58-61).

Regarding **claim 21**, Kamel as applied to **claim 19** above differs from **claim 21** in that it fails to disclose an information stream relevant to a locality includes weather forecast.

However, Kennedy discloses a method of selecting a broadcast information stream relevant to a locality, wherein:

said broadcast information stream relevant to a locality includes weather forecast information (column 8, lines 54-57).

Regarding **claim 31**, Kamel as applied to **claim 30** above differs from **claim 31** in that it fails to disclose information relevant to a locality includes weather forecast .

However, Kennedy discloses an apparatus for selecting a broadcast information stream relevant to a locality, wherein:

said broadcast information stream relevant to a locality includes weather forecast information (column 8, lines 54-57).

Response to Arguments

3. Applicant's arguments with respect to **claims 1-9 and 19-31** have been considered but are moot in view of the new ground(s) of rejection.

Conclusion


4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Shelton et al. is cited for a system collecting and presenting real-time weather information on multimedia (FIG. 1).

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald Gauthier whose telephone number is (703) 305-0981. The examiner can normally be reached on 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (703) 305-4895. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4750.


g.g.
May 14, 2002

FAN TSANG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

